

RESPONSE TO OFFICE ACTION
Serial No. 09/777,355
Page 11 of 13

REMARKS

This response is intended as a full and complete reply to the Office Action dated November 24, 2003. In view of the following discussion, the Applicant believes that all claims are now in allowable form.

TITLE

The Title stands objected to for not being descriptive. In response, the Applicants have amended the title to read, "DATA STORAGE SYSTEM HAVING THERMALLY ACTIVATED READOUT". Accordingly, the Applicants respectfully request that the objection be withdrawn.

DRAWING OBJECTIONS

The drawings stand objected to by the Examiner. Specifically, the Examiner indicates that the reference numeral "30" is missing from Figure 2. The Applicants have provided a Replacement Figure 2 illustrating the magnet 30. Accordingly, the Applicants respectfully request that the objection be withdrawn.

SPECIFICATION OBJECTIONS

The Abstract of the specification has been amended to be less than 150 words. The Applicants believe that the Abstract is fully supported by the specification and that no new matter has been added. Accordingly, the Applicants respectfully request that the objection be withdrawn.

IN THE CLAIMS

Claim 16 has been amended to correct a minor typographical error. The Applicants submit that claim 16 has been amended for reasons unrelated to patentability and that no new matter has been added.

CLAIM REJECTIONS

35 U.S.C. §112 Claims 1-18

Claims 1-18 stand rejected under 35 U.S.C. §112. Specifically, the Applicants have cancelled claims 1-7 without prejudice and have amended claim 18 to more clearly define the write layer as having "high coercivity" and "high write temperature" as indicated in the list of claims. The claim 17 has been amended to correct claim dependency.

243704

RESPONSE TO OFFICE ACTION
Serial No. 09/777,355
Page 12 of 13

Thus, the Applicants submit that claims 8-18 are in allowable form. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §103 Claims 1-2 and 7

Claims 1-2 and 7 stand rejected as being unpatentable over United States Patent Application Patent No. 6,141,297, to *Kim* (hereinafter referred to as "*Kim*"). In response the Applicants have cancelled claims 1-2 and 7 without prejudice.

35 U.S.C. §103 Claims 3-6 and 17

Claims 3-6 and 17 stand rejected as being unpatentable over *Kim* in view of United States Patent Application Patent No. 5,593,789, to *Utsunomiya et al.*, (hereinafter referred to as "*Utsunomiya*"). In response the Applicants have cancelled claims 3-6 without prejudice. Claim 8 has been rewritten in independent form and amended to overcome the rejection under 35 U.S.C. §112. Claim 17 has been amended to depend from claim 8.

The Examiner has indicated that claim 8, as amended, is allowable over the art of record. Thus, the Applicants submit that claim 17, which depends from claim 8, is also allowable over *Kim* in view of *Utsunomiya*. Accordingly, the Applicants respectfully request the rejection be withdrawn.

ALLOWED AND NEW CLAIMS

The Applicants thank the Examiner for his comments regarding the allowability of claims 8-16 if rewritten to overcome the rejection under 35 U.S.C. §112 and to include all the limitation of the base and intervening claims. As suggested, claim 8 has been rewritten in independent form. Claim 14 has also been rewritten in independent form as new claim 24.

New claims 19-57 have been added. The Applicants submit that new claims 19-57 are fully supported by the specification and that no new matter has been entered. Specifically, new claims 19-23 depend directly or indirectly from claim 8 and recite the limitations of cancelled claims 2-6. New claims 25-30 depend directly or indirectly from claim 24 and recite the limitations of cancelled claims 2-7. New claim 31 depends from claim 30 and recites the limitations of claims 8-9. New claims 31-38 depend directly or indirectly from claim 24 and recite the limitations of claims 10-13 and 14-17. New claims 39-41 depend respectively from claims 8, 18 and 24, and is supported in the specification at page 8, line 25. New claims 42-57 depend

243704

RESPONSE TO OFFICE ACTION

Serial No. 09/777,355

Page 13 of 13

directly or indirectly from claim 18 and recite the limitations of cancelled claims 2-7 and claims 8-17.

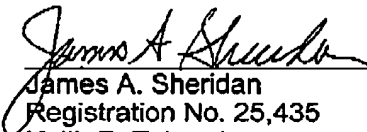
Thus, new claims 19-57 are patentable at least by virtue of their dependancy from allowable claims 8, 18 and 24. Accordingly, the Applicants respectfully request allowance of claims 8-57.

CONCLUSION

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited.

If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone James Sheridan at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,


James A. Sheridan
Registration No. 25,435
Keith P. Taboada
Attorney Reg. No. 45,150

Moser, Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702
(650) 330-2310
(650) 330-2314

243704